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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

UMY1712 MALAYSIAN LEGAL SYSTEM

(All Sections/ Groups)

10TH OCTOBER 2016

Reading Time: 2.30 pm - 2.45 pm
(15 Minutes)

Answering Time: 2.45 pm – 5.45 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of:
 - i. Courts of Judicature Act 1964
 - ii. Federal Constitution of Malaysia
 - iii. Criminal Procedure CodeStudents are not allowed to lend or borrow statute(s) during the examination.
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

- (a) Han Solo, a non violent person, was arrested by a police officer in his house. Han Solo did not put up a struggle but the police officer roughed Han Solo up before handcuffing him. He was then taken to the police station for questioning. During the questioning, Han Solo was not told of his charges. Furthermore, he was tied to his seat and was denied any communication with any person as the police did not want any interference from outside to aid Han Solo in their case. Han Solo was kept in a lock-up for days before being produced in front of a magistrate.

Advise Han Solo.

(15 Marks)

- (b) While walking home from campus, Meor was stopped by two policemen. He was asked by one of the policemen to show his identity card while the other policeman searched his body. As nothing incriminating was found, the two policemen released him.

Discuss under what provisions of the Criminal Procedure Code the police may perform a body search.

(10 Marks)

(Total: 25 Marks)

QUESTION 2

Tan Sri Dato' Sri Haji Mohamed Apandi bin Haji Ali is the current Attorney General of Malaysia. It has been said that he holds the position of one of the most powerful man in Malaysia. Discuss whether you agree or not with the statement. Your answer should be supported with Articles from the Federal Constitution and relevant law cases.

(Total: 25 Marks)

QUESTION 3

Section 3,5 and 6 of the Civil Law Act 1956 permits judges with discretion to import the English common law, equity and statutes into Malaysian legal system to fill lacunaes in Malaysian law, if any, but this discretion is not absolute and is subjected to restrictions.

With reference to decided cases and relevant authorities, discuss the applicability of English law in Malaysia.

(Total: 25 Marks)

Continued...

QUESTION 4

- a) Luke has recently been dismissed by his employees without prior notice. He needs legal representation in the court of law to argue his case. However he does not have the financial power to hire a legal representation.

Discuss the eligibility of Luke for Legal Aid from Jabatan Bantuan Guaman.

(10 Marks)

- b) Discuss the procedure for application of legal aid from Jabatan Bantuan Guaman in Criminal and Civil Proceeding.

(15 Marks)

(Total: 25 marks)

QUESTION 5

Malaysia practices a dual legal system with both Common Law and Syariah Law operating simultaneously. This is provided by the insertion of Clause (1A) into Article 121 of the Federal Constitution. Discuss the conflicts arising from this amendment; your answer should be illustrated with relevant law cases.

(Total: 25 marks)

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